

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

KYLE A. ROBERTS,

Plaintiffs,

vs.

**LEON MILLER and
GEORGE A. LOMBARDI,**

Defendants.

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Case No. 4:15-cv-00619-NCC

MEMORANDUM AND ORDER

This matter is before the Court on Defendants' Motion for Involuntary Dismissal for Failure to Prosecute Under Fed. R. Civ. P. 41(b), or alternatively, for an Order Requiring Plaintiff to Provide his Current Address and Appear for his Deposition, and Setting New Deadlines for the Taking of Plaintiff's Deposition and for the Filing of Summary Judgment (Doc. 45). Plaintiff failed to timely respond. Therefore, on January 7, 2016, the Court directed Plaintiff, within fourteen (14) days, to show cause why his Complaint should not be dismissed and to inform the Court and Defendants of his current address (Doc. 49). On January 14, 2016, Plaintiff filed a response, asserting that he was never contacted, requesting additional time for research and a copy of the scheduling order, and asking the Court not to dismiss his case (Doc. 50). Plaintiff, however, has not provided Defendants or the Court with his current address and his current address remains unclear. Specifically, while Plaintiff previously indicated that his address is "1052 W. Madison; Springfield, MO; 65803", Plaintiff listed his address as "1051 W. Madison; Springfield, MO; 65803" on the envelope containing his response to the show cause order.

Accordingly,

IT IS HEREBY ORDERED that Defendants' Motion for Involuntary Dismissal for Failure to Prosecute Under Fed. R. Civ. P. 41(b), or alternatively, for an Order Requiring Plaintiff to Provide his Current Address and Appear for his Deposition, and Setting New Deadlines for the Taking of Plaintiff's Deposition and for the Filing of Summary Judgment (Doc. 45) is **GRANTED, in part.**

IT IS FURTHER ORDERED that Plaintiff is **DIRECTED** to provide Defendants and the Court with his current address within fourteen days (14) of the date of this order. Plaintiff is also **DIRECTED** to appear at any properly noticed deposition. Failure to comply with this Court's Order may result in the dismissal of Plaintiff's action.

IT IS FURTHER ORDERED that a Second Amended Case Management Order shall issue, amending the date by which the Parties must complete all discovery and the briefing schedule by which the Parties must file any summary judgment motions.

Dated this 14th day of March, 2016.

/s// Noelle C. Collins
NOELLE C. COLLINS
UNITED STATES MAGISTRATE JUDGE